



Lands and Realty - Recordable Disclaimer of Interest (RDI)

Section 315 of the Federal Land Policy and Management Act (FLPMA) and the Code of Federal Regulations 43 CFR 1864 allows the Secretary of the Interior, under certain conditions, to issue a "disclaimer of interest" where the disclaimer will help remove a cloud on the title of such lands.

A disclaimer has the same effect as a quitclaim deed in that it operates to prevent the United States from making a claim to an interest in lands or as the owner of lands that are being disclaimed. However, a disclaimer does not grant, convey, transfer, remise, quitclaim, release or renounce any title or interest in the lands, nor does it operate to release or discharge any tax, judgment or other lien, or any other mortgage, deed or trust or other security interest in lands that are held by or for the benefit of the United States or lower government.

Purpose:

The purpose of a disclaimer is to eliminate the need for court action or private legislation in those instances where the United States asserts no ownership or record of interest, based on a determination by the Bureau of Land Management (BLM) that there is a cloud on the title to the lands, caused by the United States, and that an interest of the United States has terminated by operation of law or is otherwise invalid. However, BLM will not approve a disclaimer over the valid objection of another Federal agency and close coordination is necessary.

The original regulations on Conveyances, Disclaimers and Correction Documents (43 CFR 1864) appeared September 6, 1984. These regulations were revised on January 6, 2003, [Federal Register Vol. 68, No. 3] effective February 5, 2003.

How do I file a recordable disclaimer of interest?

Requirements, which must be met before a disclaimer will be issued, include:

- The applicant must file a written application;
- A nonrefundable fee of \$100 must be paid with each application;
- The applicant must submit all documents which show to the satisfaction of BLM the applicant's title to the lands;
- The applicant must pay the administrative costs of \$2,500 for processing and issuing the disclaimer.
- Notice of the application and the grounds supporting it must be published in the Federal Register at least 90 days before issuance of the disclaimer;
- Notice of the application shall be published in a local newspaper once a week for 3 consecutive weeks during the 90 day period set by the Federal Register notice;
- Consultation with other Federal land managing agency(s) affected by the application;
- Analysis of all comments and information provided by the State, public, other federal agencies;
- Issuance of a decision to either approve or deny an application. This decision may be appealed to the Interior Board of Land Appeals or the U.S. District Court, depending on the level of the agency official who signs it. Note: Decisions signed by the Secretary's office are not appealable to IBLA.

Please note that the fees submitted in no way insure favorable action on an application.

Processing Time:

The average length of time to process a recordable disclaimer of interest is 6 months. This time includes the 90-day comment period from the notice published in the Federal Register.